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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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MUMTAZ KHAN
(Immigration File #A076 103 793),

Petitioner,

- against -

U.S. CITIZENSHIP & IMMIGRATION
SERVICE, OFFICE OF U.S. ATTORNEY,
NEW YORK DISTRICT, U.S. ATTORNEY
GENERAL, FEDERAL BUREAU OF
INVESTIGATION,

Respondents.
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NOTICE OF MOTION

Filed Electronically

No. 07 Civ. 6796 (LAP) (AJP)

PLEASE TAKE NOTICE that upon the annexed Declaration of Michael A. Cannon; the annexed Declaration of Heidi Bijolle, and the exhibit annexed to it; the accompanying memorandum of law; and upon all the pleadings heretofore filed in this action, respondents United States Citizenship & Immigration Service, United States Attorney's Office for the Southern District of New York, the Attorney General of the United States, and the Federal Bureau of Investigation (collectively, the "Government"), by their attorney Michael J. Garcia, United States Attorney for the Southern District of New York, will move this Court before the Honorable

Loretta A. Preska, United States District Judge, at the United States Courthouse, Courtroom 12A, 500 Pearl Street, New York, New York 10007, for an order pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, granting the Government's motion to dismiss for lack of subject matter jurisdiction, and dismissing this action in its entirety, as well as for such other relief as the Court deems just and proper.

Dated: New York, New York
March 21, 2008

MICHAEL J. GARCIA
United States Attorney
Attorney for the Respondents

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